



DATE: April 9, 2008

TO: Mayor and Members of City Council

FROM: Mary Lilly Smith *MLS*
Economic Development Director

RE: National Trust for Historic Preservation Letter regarding Park Central Square

I wanted to provide some background regarding the April 4, 2008 letter from the National Trust for Historic Preservation. I was forwarded this letter by our colleagues at the Missouri Department of Transportation.

The National Trust's letter alleges that we are "moving forward with plans that would intentionally significantly harm Park Central Square, prior to the FHWA's compliance with Section 106, in violation of Section 110(k) of the National Historic Preservation Act." The National Trust has obviously been provided with incorrect information. The City of Springfield has every intention of complying with all applicable federal and state regulations triggered by the use of federal funds on this project and is proceeding in a timely manner to do so.

Staff has been steadily working on this project since the City Council endorsed the design by adopting Resolution 9570 on February 5, 2008. We have been in contact with the State Historic Preservation Office (SHPO) and have hosted Mark Miles, SHPO Director, and two of his staff in Springfield to discuss the project as well as the history of the Square and its many iterations. At SHPO's request, City staff has been gathering additional information about the Square, the original design prepared by Lawrence Halprin and Associates, what was built and not built, and how that design has been modified since its construction. We are using primary sources, including the Halprin Archives, housed at the University of Pennsylvania.

The purpose of the Section 106 review is "to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties" (30 CFR Part 800.1 (a)). The first step is for the State Historic Preservation Office to make a determination of eligibility – whether the property is historically significant. SHPO has not yet rendered that decision so it is premature for the National Trust to call the Square "highly significant."

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If SHPO determines that the Square is eligible for listing on the National Register of Historic Places, then SHPO will review the project plans to determine if there will be an adverse impact on the historic property. If so, they may request changes to the design that, in their opinion, would mitigate the adverse impact of the project on the historic resource. However, if the City determines that the consultation is unproductive, it may terminate consultation, through the defined process.

The Advisory Council on Historic Preservation (ACHP), the federal agency whose mission is to promote historic preservation and to advise the President and Congress on national historic preservation policy, makes this statement in its publication "Protecting Historic Properties: A Citizen's Guide to Section 106 Review": "The point of Section 106 review is not to stop projects. It is to ensure that Federal agencies fully consider historic preservation issues and the views of the public during project planning."

In order to review the project's impact, the SHPO must review plans that clearly indicate the extent of the project. Again, based on Council's February 5 action, staff is preparing those plans in anticipation of submitting them for Section 106 review in the event that SHPO determines that the Square is a historic resource.

The Section 106 process provides an opportunity for advocacy groups, such as the National Trust for Historic Preservation, to become "consulting parties" to a Section 106 review. According to the ACHP, this status entitles the group to share their views, review pertinent information, offer ideas and solutions. The National Trust's letter requests that they be granted consulting party status. Based on the Trust's status as a national historic preservation advocacy organization, we anticipate that they will be granted this status.

Impact on Timing of Square Project

Section 6.2 of the Heer's Building Purchase and Development Agreement, approved by City Council on August 27, 2007, requires the City to finalize design plans by May 1, 2008. Section 6.3 requires the City to commence construction on or before August 1, 2008. Failure to meet these deadlines could result in developer Kevin McGowan exercising his Put Option (Sections 6.5 and 8.3), forcing the City to repurchase the property.

Staff is very cognizant of the deadlines contained in the Heer's agreement and is working diligently to meet those deadlines. We have discussed these deadlines with the State Historic Preservation Office and they have indicated that they will process our project in a timely manner. While we recognize the statutory mandate to include advocacy groups as consulting parties, we are concerned that this may result in unplanned delays.

I would be happy to answer any questions you have regarding this matter. I can be reached at 864-1094 or via email at mlsmith@springfieldmo.gov.

Cc: Bob Cumley, City Manager
Evelyn Honea, Deputy City Manager
Collin Quigley, Assistant City Manager
Brenda Cirtin, City Clerk
Mark Miles, Director, Missouri State Historic Preservation Office